

ORDINANCE NO. 1397-16

AN ORDINANCE RELATING TO THE FLOODPLAIN DISTRICT AND  
AMENDING TUALATIN DEVELOPMENT CODE CHAPTER 70 TO  
ADOPT FEDERAL EMERGENCY MANAGEMENT AGENCY  
REQUIREMENTS FOR DEVELOPMENT OF THE FLOODPLAIN

WHEREAS, in order to receive flood insurance through the Federal Emergency Management Agency (FEMA), the City is required to adopt current FEMA requirements with respect to development within the floodplain; and

WHEREAS, the Community Development Director initiated Plan Text Amendment PTA16-0001; and

WHEREAS, the City provided notice of PTA16-0001 to the Oregon Department of Land Conservation and Development, as provided by ORS 197.610; and

WHEREAS, the City provided notice of the public hearing to all property owners in compliance with ORS 227.186 (Ballot Measure 56); and

WHEREAS, notice of public hearing of PTA16-0001 was given as required by Tualatin Development Code (TDC) 1.031; and

WHEREAS, Council approved PTA16-0001 after a public hearing was held where Council heard and considered the testimony and evidence presented by City staff, and those appearing at the public hearing.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** TDC 70.050 is amended to read as follows:

The City of Tualatin adopts the maps entitled "Flood Insurance Rate Map, Washington County, Oregon and Incorporated Areas," effective date November 4, 2016 together with the "Flood Insurance Study for Washington County Oregon and Incorporated Areas," dated November 4, 2016. The Flood Boundary and Floodway Maps, as provided for in the regulations of the Federal Emergency Management Agency (FEMA) (44 CFR part 59-60) are adopted by reference as establishing the floodplain, floodway, and drainage hazard areas of the City of Tualatin. Where the maps are not available or where the City Engineer determines more accurate information is available, the City Engineer may use any base flood elevation and floodway data available from a federal or state source, or from a licensed professional engineer, to determine the boundaries of the floodplain, floodway, and drainage hazard areas of the City of Tualatin, as provided in TDC 70.140.

~~The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Tualatin," dated February 19, 1987, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the City Center, 18880 SW Martinazzi Avenue, Tualatin, Oregon 97062.~~

**Section 2.** TDC 70.135 is added to the Tualatin Development Code as follows:

**TDC 70.135 Provide Base Flood Elevation and Freeboard to Building Official.**

The City Engineer will provide the base flood elevation information to the Building Official along with any freeboard requirements in order to administer the Building Codes.

**Section 3.** TDC 70.180 is amended to read as follows:

**Section 70.180 Specific Standards.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in TDC 70.050, "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD," or TDC 70.140(2), "USE OF OTHER BASE FLOOD DATA," the following provisions are required:

(1) Residential Construction.

(a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation.

(b) New public streets providing vehicle access to residences, including residences within mixed use developments, shall be constructed at or above the base flood elevation. Public street rights-of-way in existence as of January 14, 1993, shall not be subject to this requirement.

(c) Below grade crawl-space construction in the floodplain shall comply with all NFIP specifications and applicable Building Code Requirements.

(d) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(2) Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other

nonresidential structure shall either have the lowest floor, including basement, elevated at least one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water.

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in TDC 70.140(3)(b).

(d) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(e) Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

(3) **Manufactured Dwellings.** Manufactured dwellings placed or substantially improved within Zones A1-30, AH, and AE shall be on a permanent foundation and shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation and shall be securely anchored to a foundation system in accordance with TDC 70.170(1)(b).

(4) **Recreational Vehicles.** Recreational vehicles that are permanently placed or substantially improved within Zones A1-30, AH, and AE shall be on a permanent foundation and shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation and shall be securely anchored to a foundation system in accordance with TDC 70.170(1)(b).

**Section 4.** TDC 70.200 is added to the Tualatin Development Code as follows:

TDC 70.200 Alterations to Floodplain, Drainage, or Watercourses

(1) Applicants proposing to increase the Base Flood Elevation by more than one foot or alter a watercourse must obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before any encroachment, including fill, new constructions, substantial improvement, or other development, in the regulatory floodway is permitted.

(2) Within six months of project completion, an applicant for a Letter of Map Revision (LOMR) must submit a completed application to FEMA and submit evidence to the City that a Letter of Map Revision (LOMR) has been requested that reflects the as-built changes to the Flood Insurance Study (FIS) and/or Flood Insurance Rate Map (FIRM).

(3) The applicant must prepare and submit technical data to support the Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) application and pay any processing or application fees to FEMA.

**Section 5.** The Council adopts as its findings the *Analysis and Findings* set forth in Exhibit 1, which is attached and incorporated by reference.

**Section 6.** Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

**Section 7.** Emergency Clause. This ordinance is necessary of the immediate protection of the public peace, health, safety and welfare and takes effect on November 6, 2016.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF TUALATIN OREGON

BY \_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM

ATTEST

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder